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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/993,656	11/27/2001	Luis F. Cabrera	003797.00214	8108

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EXAMINER	
TRUONG, LECHI	

ART UNIT	PAPER NUMBER
2126	

DATE MAILED: 09/21/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/993,656	LUIS	
	Examiner	Art Unit	
	LeChi Truong	2126	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *27 November 2001*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-42* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-42* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

13)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

a) ☐ The translation of the foreign language provisional application has been received.

14)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) *02/06/2002* .
4) ☐ Interview Summary (PTO-413) Paper No(s). _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: .

DETAILED ACTION

1. Claims 1-42 are presented for the examination.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

2. Claims **1-5, 7, 29-31** are rejected under 35 U.S.C. 103(a) as being unpatentable over Marino (US. Patent 5,608551).

3. **As to claim 1**, Marino teaches the invention substantially as claimed including: a message dispatcher (router, col 6, ln 19-21/ col 7, ln 4-12), messages (states of message and data, col 6, ln 19-21/col 7, ln 4-12), each message is routed based on an arbitrary portion of the message's contents (col 7, ln 4-12/ col 18, ln 24-31/col 17, ln 1-9), an interface (commit, col 18, ln 10-31), an interface through which application programs communicate with the message dispatcher to define the arbitrary portion of the message's content(col 18, ln 20-31). Marino does not explicit teach the term dispatches. However, Marino teaches dispatches (transmission, delivery, col 7, ln 4-10). It would have been obvious to one of the ordinary skill in the art at the time the invention was made to apply the teaching of Marino because Marino's transmission and delivery would handle the specific service message with complex computing and communication environments.

4. **As to claim 2,** Marino teaches a transport independent message dispatcher (col 4, ln 15-20/col 7, ln 25-29/ln 30-34/col 12, ln 4-8), transport independent protocol (col 2, ln 37-45/col 5, ln 30-35/ col 12, ln 17-20/ col 12, ln 32-38).

5. **As to claim 3,** Marino teaches a first/ second network message (messages, col 11, ln 60-67), the first/second attribute of said first/second network message (an EMH destination node, col 18, ln 24-32), a first /second network (the appropriate communication agent is agent is selected, col 12, ln 9-11).

6. **As to claims 4,** Marino teaches a first/ second network message (messages, col 11, ln 60-67), the first/second attribute of said first/second network message (an EMH destination node, col 18, ln 24-32), a first /second network (the appropriate communication agent is agent is selected, col 12, ln 9-11), a first /second sender, col 6, ln 3-6).

7. **As to claim 5,** Marino teaches a virtual network protocol above a transport layer protocol (col 4, ln 15-20/col 7, ln 25-29/ln 30-34/col 12, ln 4-8).

8. **As to claim 7,** Marino teaches the arbitrary portion of the message's contents comprises an applicant level header (col 8, ln 17-20/col 9, ln 20-25/col 10, ln 28-31).

9. **As to claim 29**, Marion teaches routing information (acknowledgement message, col 16, ln 33-65), storing routing information received from a network application (col 17, ln 1-10/ col 18, ln 20-30), a message field, a field condition and a routing instruction (col 16, ln 45-65), a network message (the original outgoing message, col 17, ln 1-9), processing the network message by comparing the network message to the stored routing information (col 17, ln 1-9), when the received message's message field meets the field condition performing the routing instruction(col 18, ln 25-33). Marion does not explicit teach the term receiving network

message. However, Marion teaches receiving network message (message/data querying and communication services separates from the application program, col 2, ln 16-21). It would have been obvious to one of the ordinary skill in the art at the time the invention was made to apply the teaching of Marion because Marion's message/data querying and communication services separates from the application program would enable the communication over one or more transport facilities as desired providing for user within a multimedia, multi-platform and multi-network computing and communication environments.

10. **As to claim 30,** Marion teaches routing instruction comprises altering the message (col 7, ln 30-35).

11. **As to claim 31**, it is an apparatus claim of claim 7; therefore, it is rejected for the same reason as claim 7 above.

12. Claims **6, 8, 9-28, 32-42** are rejected under 35 U.S.C. 103(a) as being unpatentable over Marino (US. Patent 5,608551) in view of Narisi et al (US. 6,233,619 B1).

13. **As to claim 6,** Marino does not teach a transport adapter, a transport adapter to convert message between the transport layer protocol and the virtual network protocol. However, Narisi teaches a transport adapter between the transport layer protocol and the virtual network protocol (Messaging subsystem (MSS), col 18, ln 35/ col 13, ln 13-19), convert (col 26, ln 38-42/col 22, ln 25-31).

14. It would have been obvious to one of the ordinary skill in the art at the time the invention was made to combine the teaching of Mario and Narisi because Narisi's messaging subsystem

would provides an interface which is independent of a communication protocol and a virtual transport layer such as TCP/IP to the network application.

15. **As to claim 8**, Marino teaches a message dispatcher (router, col 6, ln 19-21/ col 7, ln 4-12), messages (states of message and data, col 6, ln 19-21/col 7, ln 4-12), an interface (commit, col 18, ln 10-31), an interface through which application programs communicate with the message dispatcher (col 18, ln 20-31), stored rules (configuration files, col 7, ln 46-57/ EMS message header, col 10, ln 28-57/col 11, ln 59-67/a network acknowledgement message, col 17, ln 1-10), route a first/ second network message based on a first/second attribute of said network message(col 7, ln 4-12/ col 18, ln 24-31/col 17, ln 1-9), different from said first attribute since messages are routed to different network protocol or different destinations(col 6, ln 21-25/col 9, ln 20-25), the first and second attributes are selected from and contained in each network message(col 18, ln 24-32).

16. Marion does not explicit teach a transport adapter for interfacing the message dispatcher to a transport protocol, a set of header in each network message. However, Narisi teaches a transport adapter (Messaging subsystem (MSS), col 18, ln 35/ col 13, ln 13-19), a set of header in each network message (header information associated with the data, col 3, ln 62-67).

17. It would have been obvious to one of the ordinary skill in the art at the time the invention was made to combine the teaching of Marion and Narisi because Narisi's Messaging subsystem and header information associated with the data would provide an interface which is independent of the communication protocol for the inter-connect and the virtual transport layer such as TCP/IP.

18. **As to claim 9**, Narisi teaches the first attribute comprises an application created header (col 3, ln 62-67).

19. **As to claim 10,** Marion teaches each message rule is stored in a message hander (col 7, ln 47-58).

20. **As to claim 11**, Marion teaches a predetermined condition (col 7, ln 50-58), alters a second message hander (col 9, ln 10-14).

21. **As to claim 12**, Narisi teaches upon the occurrence of a predetermined condition alters the first message (col 38, ln 59-61).

22. **As to claim 13**, Narisi teaches a nonccurent of an event (col 26, ln 40-43).

23. **As to claim 14**, Marion teaches polling a second apparatus in first predetermined intervals and receiving poll responses from the second apparatus (col 15, ln 51-64/ col 16, ln 33-40), the predetermined condition comprises the nonoccurrence of step for a predetermine amount of time (col 20, ln 34-41/ col 23, ln 33-40).

24. **As to claim 15**, Marion teaches when the predetermined condition is met, the message dispatcher alters the second message handler to redirect message (col 7, ln 20-29).

25. **As to claim 16**, Marion teaches sending routing information to a second message dispatcher indicating the change of routing information (col 7, ln 55- 58/ col 9, ln 20-25).

26. **As to claim 17,** it is an apparatus claim of claim 8; therefore, it is rejected for the same reason as claim 8 above.

27. **As to claim 18,** Marion teaches receiving instruction comprising a message field and a field condition (col 17, ln 1-9), modifying a message handler based on the received instruction (col 17, ln 40-49/ col 4, ln 14-20/ Fig. 4).

28. **As to claim 19**, Marion teaches the instructions are received from a network application program (col 18, ln 20-25).

29. **As to claim 20**, Marion teaches the instructions are based on the user input (col 7, ln 10-14/ ln 49-45).

30. **As to claims 21, 22**, they are apparatus claims of claims 6, 7; therefore, they are rejected for the same reasons as claims 6, 7.

31. **As to claim 23**, Marion teaches storing routing instructions in message handlers (col 17, ln 45-50), perform based on stored message handlers (col 18, ln 10-32).

32. **As to claims 24, 25, 26, 27, 28**, they are apparatus claims of claims 18, 12, 13, 14, 15, 16; therefore, they are rejected for the same reasons as claims 18, 12, 13, 14, 15, 16 above.

33. **As to claim 32**, it is an apparatus claim of claim 8; therefore, it is rejected for the same reason as claim 8 above. In additional, Narisi teaches a plurality of computer (a series 10 and 48, Fig. 2), each computer routes messages in the virtual network protocol over the transport layer protocol using the at least one transport adapter (col 18, ln 35/ col 13, ln 13-19).

34. **As to claim 33**, Narisi teaches a new transport adapter that convert message between the new transport layer protocol and the network protocol (col 18, ln 35/ col 13, ln 13-19/ col 14, ln 14-20), without requiring a network application to be reconfigured for use with the new transport protocol (col 17, ln 40-44/col 18, ln 20-25/col 26, ln 22-28).

35. **As to claim 34**, Narisi teaches an OSI protocol stack (col 13, ln 13-20/ col 14, ln 13-20).

36. **As to claim 35-42,** Marion teaches virtualized component comprise a virtual network message dispatcher/a synchronization module/ an eventing module/ a name modules/ a groups

module/ an addressing module/a security module/an administrate module (col 1, ln 25-35/col 2, ln 36-52/col 3, ln 55-60).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to LeChi Truong whose telephone number is (703) 305 5312. The examiner can normally be reached on 8 - 5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Meng-Ai An can be reached on 703-305-9678. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR of Public PAIP. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIP system, contact the Electronic Business Center (EBC) at 866-217-9197(toll-free).

LeChi Truong

September 17, 2004

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